FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5614 OF 2005

| Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
|---|---|

Mr. D.P. Adsule, APP for Applicant-State.

Mr. J.S. Kini i/by Suresh Dubey for respondents.

CORAM: B.H. MARLAPALLE,J.

20/07/2007.

P.C.:

. Heard Mr. Adsule the learned APP for the applicant-State. Regular Criminal Case No.108 of 2000 resulted in an acquittal order passed by the learned Chief Judicial Magistrate. Notwithstanding the fact that as per the amended scheme under Section 78 of Cr.P.C. this appeal against an acquittal order could have been moved before the Sessions Court, the fact remains that the divorce petition filed by the husband has been decreed i.e. H.M. Petition No. 835 of 1999 under Section 13 of the Hindu Marriage Act, 1955 and the said decree was not

challenged by the original complainant - wife till the acquittal order was passed. When the marriage has been annulled by a judicial order and the said order has attained its finality, there is no reason to entertain this application seeking leave to appeal.

. Hence the leave to appeal is refused.

(B.H. Marlapalle,J.)